

Page Denied

Next 1 Page(s) In Document Denied

~~SECRET~~

70 4710

27 NOV 1970

MEMORANDUM FOR: Acting Deputy Director for Support

THROUGH : Director of Logistics

JTR

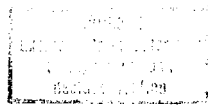
SUBJECT : Considerations Relevant to PL 86-249 and the
Law's Effect Upon the Building Planning Program

REFERENCE : Public Law 86-249, Public Buildings Act of 1959, as
amended, described and highlighted in the U.S.
CODE CONG. AND ADMIN. NEWS - pertinent
sections of which are included in Attachment 2

25X1 1. This memorandum is for information only in response to your request to Acting Director of Logistics. The paper relates some of the differences between "special purpose" type buildings and "general purpose" or "public" type buildings. Also the options available to CIA in carrying out a construction program are discussed, with particular attention being given to GSA versus Agency responsibility.

2. PL 86-249 was intended to strengthen controls over the construction of "public buildings" and provides the general authority for the orderly planning and construction of public buildings. It provides for carrying out a program for repair, remodeling, improvement, and new construction of public buildings of the classes under the control of the GSA. Special purpose facilities closely related to activities of the various departments and agencies of the Federal Government are not encompassed by the bill. As defined in the Law, the term "public building" means any building, whether for single or multitenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more Federal agencies or mixed ownership corporations.

3. The Law, in describing public buildings as those which provide general purpose office, storage and related space, in Section 13(1), is explicit in stating which types and classes of buildings are included and just as clearly excludes others. The Law is limited to those types of classes of buildings which historically have been the responsibility of the Administrator and his predecessors. No detailed breakdown of space categories appears in PL 86-249; however, Attachment 1 holds a listing of Office, Storage, and Special Types of space being



60-6895

SUBJECT: Considerations Relevant to PL 86-249 and the Law's Effect Upon the Building Planning Program

applied in the determinations of the GSA. Attachment 2 identifies ten broad groupings of government buildings which are covered under the Law; these are noted on the bottom of page 2 and top of page 3 of this Attachment.

4. The Agency could proceed in one of three basic courses of action in acquiring the necessary authorities to construct new facilities.

a. If the Agency and GSA chose to consider any planned structure as being primarily general purpose office type or storage type space, the Law would embrace it. In this case, unless a Presidential exclusion from the Law was requested and granted under Sec. 13(1)(I), we would have to follow the normal GSA plan of action. We would of necessity have our building request processed through the House and Senate Public Works Committees. We would have little if any control over selection of A&E or construction contractors. Also, and most important, CIA would have to "stand in line". Whenever there are 30 or more projects which have had Committee approval for more than one year but for which no appropriations have been made, the Committees may not approve further projects until the backlog has been reduced below 30 by recission or by appropriation. A further condition of the Law is stated in Sec. 15; the Administrator of GSA has the discretionary authority to delegate to another agency his responsibilities in carrying out acquisition and construction activities when he determines that efficiency and economy will be promoted thereby.

b. CIA could justify exemption from the Law on grounds that a structure(s) required to house Agency activities is primarily "special purpose" and unique to Agency operations. In this case we would demonstrate that such construction was specifically excluded from PL 86-249, by the Law itself. Under these conditions the jurisdiction of the House and Senate Committees on Public Works would not apply. Here we would have the opportunity to "go it alone"; negotiate the necessary contracts for A&E, site development and construction, supervise all aspects of architecture, engineering and construction, conduct the essential liaison with congressional leaders (and the related mountains of correspondence), meet with local and national political leaders, maintain all records and accounting, etc. CIA would be required to establish special staff elements for five to six years for such construction effort including numerous logistics, finance, security and technical personnel (employees or contract).

SUBJECT: Considerations Relevant to PL 86-249 and the Law's Effect Upon
the Building Planning Program

c. If exemption from PL 86-249 is legally established, as posed in 4.b. above or exclusion acquired via the White House, CIA could enter into a special agreement with GSA to have it serve as the Executive Agent of the Agency in the planning for and construction of the required facilities. In a building program the size of the one presently under consideration, the A&E and administration and supervision aspects of the work would amount to several millions of dollars. In such a case the GSA would undoubtedly augment its new construction office accordingly. If the GSA Administrator, Robert Kunzig, follows the new GSA procedures which he recently discussed before the recent Associated General Managers Conference, he may even staff a separate project office headed by a "construction manager" to handle an activity of this scope. This use of GSA would place the least strain on this Agency. A construction liaison and supervision team would have to be established with the inclusion of architects, engineers, space planners, technicians (security and communications) and organizational managers. Also directorate coordinators and information development groups will have to be organized to the extent required, depending upon the components involved.

[Redacted Signature Block]

Chief,
Building Planning Staff, OL

25X1

25X1

2 Atts

Definitions of Space Categories

Office Type This is space which provides an environment suitable for an office operation. This requirement includes, but is not limited to, suitable and adequate lighting, heat and ventilation, appearance, accessibility, circulation, floor covering, and sound control. The space may consist of a large open area or may be partitioned into rooms. As a general guide the interior treatment of the space is the first consideration; that is, irrespective of its present use it can be considered as having application for office type operations if it may be adapted without major alterations. This type of space would include but is not limited to the below listed examples.

Office Type

Office (Private Rooms & Open Areas)

Classrooms & Training Rooms	Machine Rooms
Conference Rooms	Supply Rooms (in office quality space)
Credit Unions	File Areas
Laboratories (no fixed special equipment)	Health Units
Library Reading Rooms	Mail Rooms
Lounges (telephone operators, etc.)	Office Reproduction

Storage Type This is space which is suitable for storage of supplies, equipment, records and material, etc., and which does not provide an environment suitable for an office operation. Its interior treatment is such that it cannot be classified as suitable for office type operations without extensive alterations. This type of space would include but is not limited to the below listed examples.

Storage Type

Attics	Custodial Storage	Trash Rooms	Supply Rooms
Closets	Gear Rooms	Vaults	
Garages	Shop Storage	Warehouses	

Special Type This is space which by reason of installed fixed facilities or utilities is adapted for special use. This type of space would include but is not limited to the below listed examples.

Special Type

Auditoriums	Swing Rooms
Cafeterias	Workrooms
Computer Rooms	Private Toilets
Court Rooms	Private Corridors
Darkrooms	Service Stations
Detention Cells	Shops
Laboratories	Target Ranges
Libraries (fixed stacks)	Telephone Frame Rooms
Lobbies	Telephone Switchboard Rooms
Mailing Vestibules	Dispensaries
Mailing Platforms	

U. S. CODE CONG. AND ADMIN. NEWS

(Pages 527, 528,
529, & 530)

Public Buildings Act of 1959

Sec. 2. No public building shall be constructed except by the Administrator, who shall construct such public building in accordance with this Act.

Sec. 7. (a) In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 4, no appropriation shall be made to construct any public building or to acquire any building to be used as a public building involving an expenditure in excess of \$100,000, and no appropriation shall be made to alter any public building involving an expenditure in excess of \$200,000, if such construction, alteration, or acquisition has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively, and such approval has not been rescinded as provided in subsection (c) of this section. For the purpose of securing consideration of such approval the Administrator shall transmit to Congress a prospectus of the proposed project, including (but not limited to) -

(1) a brief description of the building to be constructed, altered, or acquired under this Act;

(2) the location of the project, and an estimate of the maximum cost of the project;

(3) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed project, having due regard for suitable space which may continue to be available in existing Government-owned buildings and in rented buildings;

(4) a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action; and

(5) a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the building to be constructed, altered, or acquired.

(b) The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost.

(c) In the case of any project approved for construction, alteration, or acquisition by the Committees on Public Works of the Senate and of the House of Representatives, respectively, in accordance with subsection (a) of this section, for which an appropriation has not been made within one year after the date of such approval, either the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives, may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made.

(d) The Committees of Public Works of the Senate and of the House of Representatives, respectively, shall not approve any project for construction, alteration, or acquisition under subsection (a) of this section whenever there are thirty or more projects the estimated maximum cost of each of which is in excess of \$100,000 which have been approved for more than one year under subsection (a) but for which appropriations have not been made, until there has been a rescission of approval under subsection (c) or appropriations are made which result in there being less than thirty such projects.

Sec. 10. (a) The Administrator, whenever he determines it to be necessary, is authorized to employ, by contract or otherwise, and without regard to the Classification Act of 1949, as amended, or to the civil service laws, rules, and regulations, or to section 3709 of the Revised Statutes, the services of established architectural or engineering corporations, firms, or individuals, to the extent he may require such services for any public building authorized to be constructed or altered under this Act.

(b) No corporation, firm, or individual shall be employed under authority of subsection (a) on a permanent basis.

(c) Notwithstanding any other provision of this section the Administrator shall be responsible for all construction authorized by this Act, including the interpretation of construction contracts, the approval of materials and workmanship supplied pursuant to a construction contract, approval of changes in the construction contract, certification of vouchers for payments due the contractor, and final settlement of the contract.

Sec. 11. (a) The Administrator shall submit to Congress each January, promptly after the convening of Congress, a report showing the location, space, cost, and status, of each public building the construction, alteration, or acquisition of which is to be under authority of this Act and which was uncompleted as of the date of the last preceding report made under this Act.

Sec. 13. As used in this Act--

(1) The term "public building" means any building, whether for single or multitenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more Federal agencies or mixed ownership corporations, and shall include;

(i) Federal office buildings, (ii) post office, (iii) customhouses, (iv) court-houses, (v) appraisers stores, (vi) border inspection facilities, (vii) warehouses, (viii) record centers, (ix) relocation facilities, and (x) similar Federal facilities, and (xi) any other buildings or construction projects the inclusion of which the President may deem, from time to time hereafter, to be justified in the public interest; but shall not include any such buildings and construction projects: (A) on the public domain (including that reserved for national forests and other purposes, (B) on properties of the United States in foreign countries, (C) on Indian and native Eskimo properties held in trust by the United States, (D) on lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection with, (E) on or used in connection with river, harbor, flood control, reclamation or power projects, or for chemical manufacturing or development projects, or for nuclear production, research, or development projects, (F) on or used in connection with housing and residential projects, (G) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense), (H) on Veterans' Administration installations used for hospital or domiciliary purposes, and (I) the exclusion of which the President may deem, from time to time hereafter, to be justified in the public interest.

Sec. 14. This Act shall not apply to the construction of any public building--

(1)

(2)

(3) for which an appropriation for direct construction by an executive agency other than the General Services Administration of a specified public building has been made before the date of enactment of this Act.

Sec. 15. The performance, in accordance with standards established by the Administrator of General Services, of the responsibilities and authorities vested in him under this Act. . . . may be delegated to the appropriate executive agency where the Administrator determines that such delegation will promote efficiency and economy.